



CRL OP(MD).No.3578 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Alagu,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No.38/2024

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan,
Advocate.

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.38/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on



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30.01.2024 for the offence punishable under Sections 448, 354(A), 294(b), 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.38 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 29.01.2024, when the defacto complainant was sleeping in her house, she heard noise and found the petitioner inside her house. When she questioned the same, the petitioner abused her in filthy language and attempted to kill her and harassed her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that it is a family dispute between the parties and the petitioner is in judicial custody from 30.01.2024. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation has been completed and the charge sheet has been filed before the learned Judicial Magistrate, Rajapalayam.



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5. Heard the learned counsel on either side.

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6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Rajapalayam**, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/03/2024

/ TRUE COPY /

06/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.A.Balakrishnan, ADVOCATE IN SR No.2887 dated 07/03/2024

ORDER
IN

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Date :06/03/2024

SS/SAR- /06/03/2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023